

court's leave. The court should freely give leave when justice so requires.

Fed.R.Civ.P. 15(a)(2).

DISCUSSION

The undersigned notes that Plaintiff timely-filed a "First Amended Complaint" (Document No. 10) on May 9, 2024.

It is well settled that a timely-filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings may be denied as moot. Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) ("The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect."); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) ("Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint 'of no effect').

Based on the record of this case and the foregoing legal authority, the undersigned finds that the pending motions are now moot. Defendants shall file an Answer, or otherwise respond to the "First Amended Complaint," in accordance with the Federal Rules of Civil Procedure.

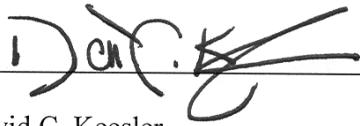
IT IS, THEREFORE, ORDERED that Defendant Barclays' "Motion To Dismiss Or In The Alternative To Compel Arbitration" (Document No. 6) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that Plaintiff's "Motion For Extension Of Time To File Response To Motion To Dismiss..." (Document No. 11) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED that the parties shall file a Certificate of Settlement Conference as directed by the "Standing Order Requiring An Initial Settlement Conference In Civil Cases Assigned To The Honorable Kenneth D. Bell," 5:19-MC-005-KDB, (Document No. 2) (W.D.N.C. July 16, 2019) *prior* to the filing of an Answer or other response.

SO ORDERED.

Signed: May 10, 2024



David C. Keesler
United States Magistrate Judge

